

UTAH APPRAISER LICENSING AND CERTIFICATION BOARD

Heber M. Wells Building

Room 210

9:00 a.m.

August 28, 2013

MINUTES

STAFF MEMEBERS PRESENT:

Jonathan Stewart, Division Director
Mark Fagergren, Education and Licensing Manager
Jeffery Nielsen, Chief Investigator
Xanna DeGooyer, Assistant Attorney General
Jennie Jonsson, Administrative Law Judge
Renda Christensen, Board Secretary
Carla Westbroek, Appraiser Licensing
Amber Nielsen, Division Staff
James Bolton, Investigator
Craig Livingston, Investigator
Theron Case, Investigator
Mykah Travis, Real Estate Education Coordinator

BOARD MEMBERS PRESENT:

Daniel Brammer, Chair
Paul W. Throndsen, Vice Chair
Jeanette Payne, Board Member
John Ulibarri, Board Member
James Bringhurst, Board Member

GUESTS:

Neil Jensen
Kris Coleman
Joel Frost
David Churner

The August 28, 2013 meeting of the Appraiser Licensing and Certification Board began at 9:00 a.m. with Chair Brammer conducting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes - A motion was made to approve the minutes from the July 23, 2013 meeting. Vote: Chair Brammer, yes; Vice Chair Throndsen, yes; Board Member Ulibarri, yes; Board Member Bringhurst, yes. The motion passes.

DIVISION REPORT

DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart reported the Division has a new Hearing Officer, Justin Barney. Mr. Barney is currently off for this week while he is moving his family from Atlanta, Georgia to Utah. He will be at the next meeting to meet the Board.

The Legislature will be meeting in February of next year, and the Division has been working on a list of changes that need to be made to the statutes. Primarily, the changes will be those needed to keep us in compliance with the Appraisal Foundation. Director Stewart will be presenting the list to the Board in the next meeting for discussion.

INVESTIGATIONS REPORT – Jeffery Nielsen

Mr. Nielsen reported in July the Division received 15 complaints; opened 18 cases; referred 18 cases to the Attorney General's office; closed 13 cases; leaving the total number of cases at 50.

There are no stipulations to review today.

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren reported there has been a slight increase in the number of appraiser licensees.

A mass appraiser candidate has submitted reports done in Delta, Utah. Currently, there are no Review Panel members in that area. Mr. Fagergren contacted Joe Stott, former Appraiser Board member, and asked if he was familiar with the area and would consider being on the Review Panel. Mr. Fagergren asked the Board for their consideration on adding Mr. Stott to the Review Panel.

Mr. Fagergren reminded the Board of the upcoming Instructor Development Workshop on October 28 and 29, 2013. Board members are invited as guests of the Division. Pre-license instructors are required to attend once every two years. Continuing education instructors are invited, but they are not required to attend.

Chair Brammer addressed the Board and Division on the Trainee/Supervisor Committee. The committee met and addressed the items the AQB required, and set up the course outline. Ron Smith is taking some of the questions and developing a quiz when the course is completed. The length of the course will be three hours for the required component. Other topics the Board wanted would add another hour, making the course four hours in length. There will be a specific outline for the Board's recommendation in next month's meeting.

All providers should be teaching this curriculum, so the outline will be available as soon as the Board has approved the outline. The curriculum is scheduled for both Trainees and Supervisors to be in the same class. There was a question as to whether the instructors will meet and hold a training session on the outline. Mr. Fagergren said it would be wise to hold training for the instructors.

There are no stipulations for review today.

Mr. Fagergren submitted the following lists to the Board for their review:

Certified and Licensed Appraiser Applicants Approved by both Education and Experience Review Committees:

Edwin Benson, LA

Discipline List for Board's Consideration

Aaron J. Brown, CG

David L. Clark, CG Temporary Permit

Melissa E Fink, Control Person AMC

Rick Goulding, Trainee

David E. Hopkins, CG Temporary Permit

Quinn Millet, CR

Danielle West, Trainee

Devin S. Wilkins, Trainee

COMMISSION AND INDUSTRY ISSUES

Rule Updates – Jennie Jonsson

Ms. Jonsson reported the Board voted last month to make certain appraisal rules effective if no comments came in for the remainder of the public comment period. These were amendments throughout R162-2g to the education rule. Basically, it updates the certification process for a school and instructor. The comment period ended on August 14, 2013 and there were no public comments were received. The rule was made effective on August 21, 2013. The Division's website has been updated.

The language presented in subsection 306(a) provides a mechanism by where a person can request deferment of continuing education credit if they are subject to active military service, or they have suffered from a hardship due to a state or federally declared natural disaster. The Board did approve that language. The amendment was filed on July 26, 2013, and it was published on August 15, 2013. The public comment period runs through September 16, 2013 and the first possible effective date is September 23, 2013. As of today, there have been no public comments received.

Last month there was discussion on changing instructor certification rules for pre-licensing education to require that an instructor hold the license or certification that applies to the course that is being taught. Ms. Jonsson put together some language in R162-2g-307(d). After brief discussion by the Board a motion was made to make the rule effective. Vote: Chair Brammer, yes; Vice Chair Throndsen, yes; Board Member Payne, yes; Board Member Bringham, yes; Board Member Ulibarri, yes. The motion passes.

Ms. Jonsson said several comments were received on the AMC rule changes. Those who submitted comments were:

Michael H. Christensen, CoreLogic, received on July 12, 2013

Frank O'Neill, Jr., DataQuick, received on July 12, 2013

David D. Cherner, Rels Valuation, received on July 15, 2013

K&L Gates, LLP law firm, Nanci L. Weissgold, received on July 15, 2013

Joel J. Frost, United Appraisers of Utah, received July 16, 2013. This comment was received outside of the public comment period. The Appraiser Board may consider this comment or disregard it as they see fit because of the timeliness of its submission.

Craig Morley, Real Estate Valuation Professionals, received on July 23, 2013. This comment was received outside the public comment period. The Appraiser Board may consider this comment or disregard it as they see fit because of the timeliness of its submission.

Ms. Jonsson said the Board has three options:

1. review these comments in this meeting and determine that they do not require any further action and make the rule effective as of today; or
2. the Board may propose a change to the rule as filed, and the soonest that this can be published will be September 15, 2013 and that would be subject to a 30-day publication period, but comments do not have to be accepted during that period. The first possible effective date would be October 22, 2013; and
3. the third option is to either withdraw this filing or allow it to lapse and start over. This would mean a new 30-day comment period and any comments submitted would have to be considered, and reviewed by the Board in a public meeting before the Board can vote to make the rule effective.

The Board allowed a comment from David Cherner with Rels Valuation.

A motion was made to accept the rule and make it effective as of today. Vote: Chair Brammer, yes; Vice Chair Thronsen, yes; Board Member Ulibarri, yes; Board Member Bringhurst, yes; Board Member Payne, yes. The motion passes.

Ms. DeGooyer said she will be testing new software during the hearing today to project the documents on the screen for review. At the conclusion of the hearing, and after the Executive Session, Ms. DeGooyer would like the Board's feedback as to whether they liked this new process.

CLOSED TO PUBLIC

A motion was made to close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual. Vote: Chair Brammer, yes; Vice Chair Thronsen, yes; Board Member Ulibarri, yes; Board Member Bringhurst, yes; Board Member Payne, yes. Executive Session was held from 10:10 a.m. to 10:35 a.m.

RESULTS OF DELIBERATIONS

The Board has accepted Joe Stott to be on the Review Panel

Certified and Licensed Appraiser Applicants Approved by both Education and Experience Review Committees:

Edwin Benson, LA - Approved

Discipline List for Board's Consideration

Aaron J. Brown, CG - Approved

David L. Clark, CG Temporary Permit - Approved

Melissa E Fink, Control Person AMC - Approved

Rick Goulding, Trainee - Approved

David E. Hopkins, CG Temporary Permit - Approved

Quinn Millet, CR - Informational purposes only

Danielle West, Trainee - Division will issue an Order

Devin S. Wilkins, Trainee - Approved

OPEN TO PUBLIC

INFORMAL HEARING

11:00 Mark Peterson - Application for License
Greg Skordas, Attorney

A break was taken from 12:35 p.m. until 1:10 p.m. The hearing continued at this time.

CLOSED TO PUBLIC

A motion was made to close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual. Vote: Chair Brammer, yes; Vice Chair Thronsen, yes; Board Member Ulibarri, yes; Board Member Bringhurst, yes; Board Member Payne, yes. Executive Session was held from 2:18 p.m. to 2:55 p.m.

OPEN TO PUBLIC

A motion was made to adjourn the meeting. Vote: Chair Brammer, yes; Vice Chair Thronsen, yes; Board Member Ulibarri, yes; Board Member Bringhurst, yes; Board Member Payne, yes. The meeting adjourned at 2:55 p.m.